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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,223	11/21/2001	William K. Slate II	AAA-002	3940
1473 7590 05/30/2007 FISH & NEAVE IP GROUP ROPES & GRAY LLP 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			EXAMINER MOONEYHAM, JANICE A	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/991,223

Applicant(s)

SLATE ET AL.

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 51-56 and 101-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 51-66, and 101-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on February 12, 2007, wherein:

Claims 1-6, 51-56 and 101-106 are currently pending;

Claims 7-50, 57-100, and 107-150 have been cancelled;

Claims 1, 4-5, 51, 54-55, 101, and 104-105 have been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 51-52, and 101-102 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloo (US 5,895,450) (hereinafter referred to as Sloo).

Referring to Claim 1:

Sloo discloses a method for guiding a user through dispute resolution using a dispute management application comprising:

receiving an indication from the user to create a profile from a first computer, wherein the profile comprises dispute resolution-related information associated with the user (Figure 2 (200); Figure 3 (300, 302, 304, 306); col. 4, lines 9-17, col. 4, lines 45-60; col. 4, line 45 thru col. 5, line 1);

determining dispute resolution path for resolving a dispute based at least in part on the profile in response to the indication at a second computer, wherein the dispute

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resolution path comprises steps for implementing a dispute resolution mechanism; (Figure 7 (700) settle dispute; col. 9, line 32 thru col. 11, line 5); and

displaying at the first computer with the steps of the determined dispute resolution path for resolving the dispute (col. 2, lines 43-61; col. 3, lines 8-17; col. 7, lines 29-40);

prompting the user at the first computer to select the determined dispute resolution path (col. 4, lines 63-65; col. 5, lines 49-56).

Referring to Claims 51 and 101:

Sloo discloses a system for guiding a user through dispute resolution using a dispute management application comprising:

a user input device, a display device (means for displaying) (Figure 1 (14));

means for receiving an indication from the user to create a profile from a first computer, wherein the profile comprises dispute resolution-related information associated with the user (Figure 1 (14));

means for determining a mechanism/ dispute resolution path for resolving a dispute based at least in part on the profile in response to the indication at a second computer (artificial intelligence; col. 12, lines 48-61, col. 13, line 59 thru col. 14, line 16, col. 14, lines 61-67; col. 15, lines 21-30); and

means for providing the user at the first computer with the mechanism for resolving the dispute (Figures 1-9);

means for prompting the user to select the determined dispute resolution path (col. 4, lines 63-65; col. 5, lines 49-56).

Referring to Claims 2, 52, and 102:

Sloo discloses wherein the mechanism is selected from the group consisting of documents-only arbitration and on-call mediation (col. 7, lines 29-40, col. 8, lines 34-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 5-6, 53, 55-56, 103 and 105-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo as applied to claims 1, 51, and 101 above, and further in view of Vaidyanathan et al (US 2004/0059596) (hereinafter referred to as Vaidyanathan).

Referring to Claims 3, 53 and 103:

Sloo discloses the method and systems of claims 1, 51, and 101. Sloo discloses intervention by a third party to resolve the dispute, the third party selected from a pre-qualified list (col. 8, lines 5-18).

Sloo does not explicitly disclose what the qualifications are for one to be on the pre-qualified list or that the person is certified.

However, Vaidyanathan discloses determining whether the user has met a predetermined standard for conducting business [0043-0044]; and

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providing the user with a certification in response to meeting the predetermined standard [0043-0044] the Examiner is interpreting the fact that the specialist can be a person who has successfully completed a comprehensive mediation training with defined criteria for successful completion to meet the language of providing a certification).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the complaint handling method and system of Sloo having a list of pre-qualified third party members who can intervene with the training and criteria taught in Vaidyanathan so that the pre-qualified third party members will be fully equipped with substantial experience mediating or arbitrating a range of disputes, thus enabling a higher rate of successful resolutions of disputes.

Referring to Claims 5, 55 and 105:

Sloo discloses monitoring how long it takes for parties to respond (col. 5, lines 30-37).

Sloo does not disclose determining an estimated time for resolving the dispute and providing the user with the estimate time.

However, Vaidyanathan teaches predetermined time periods [0065-000069].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the complaint handling method and system of Sloo the time periods taught in Vaidyanathan so that the case can be quickly moved along rather than letting it languish and drag out without any resolution. It would be necessary to know the approximant times needed for resolving a dispute so that

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notifications can be sent to nudge the parties on and so that the system can know when an appropriate amount of time to resolve the dispute has passed without resolution, thus moving the case to the next step, either by dismissing the case or moving it to another avenue for resolution.

Referring to Claims 6, 56 and 106:

Sloo discloses monitoring the conduct of all of the parties and storing this information in performance records. Sloo discloses when the program uses artificial intelligent techniques to make decisions regarding a dispute, it considers the performance records of all participants to the dispute when rendering a judgments (col. 9, lines 40-48).

Therefore, it would have been obvious for Sloo to compare the dispute to a plurality of past dispute records when determining an estimate of time since Sloo already monitors conduct and stores performance records. Sloo further uses this information to analyze various scenarios using the gathered information and determining the best solution or outcome. Therefore, time estimates would also be easy to add to the information monitored and stored by Sloo since a party who does not promptly respond or who delays resolution by taking their time to respond would alter the outcome or the direction the method and system would take in resolving the dispute, and further, would provide information to update that performers performance record to be used in any future disputes.

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4. Claims 4, 54, and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo as applied to claim 1, 51, and 101 above, and further in view of Kilibaner (US 2002/0161597).

Referring to Claims 4, 54 and 104:

Sloo does not explicitly disclose calculating a cost for resolving a dispute.

However, Kilibaner discloses calculating a cost for resolving the dispute and providing the user with the cost (Figure 2 (206)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the complaint handling method and system of Sloo the cost calculation taught in Kilibaner since this provides an efficient way for the parties to choose the rules, regulations and procedures which will apply in the dispute resolution process.

Response to Arguments

5. Applicant's arguments filed February 22, 2007 have been fully considered but they are not persuasive.

The applicant newly amended claim language adds little, if anything, to distinguish the claim limitations from the prior art, Sloo. Applicant states that in Sloo the user is responsible for selecting a dispute resolution option from preset dispute resolution options without guidance from the system and thus Sloo does not disclose applicant's claimed feature of "determining a dispute resolution path for resolving a dispute base at least in part on a users dispute resolution profile (information); displaying the steps of the determined dispute resolution path, and prompting the user to select the path.

Applicant is reminded that MPEP 2111 requires the Examiner to give the claim language the broadest reasonable interpretation consistent with the specification without reading limitations from the specification into the claims. Applicant's claims require that an indication from the user is received to create a profile of dispute resolution related information. Sloo discloses this limitation (see col. 4, line 45 thru col. 5, line 1).

Next the applicant's claims require that a determination of a dispute resolution path be made for resolving the dispute based *at least in part* on the profile. First, the Examiner notes that the claim language does not make it clear who or what is making the determination. However, assuming that a computer program is making the determination, then Sloo discloses using artificial intelligent techniques to make a

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decision regarding a dispute to provide the next step of selecting the most appropriate judge or jurors to resolve the dispute (col. 9, lines 32-39). If the user is making the determination, then Figure 7 of Sloo discloses this limitation along with the steps for implementing the dispute resolution mechanism.

The Examiner asserts that any prompts that aid the user in moving the process along meets the limitation of displaying steps for resolving the dispute.

The Examiner further asserts that Sloo discloses prompts for prompting the user to select the determined path.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

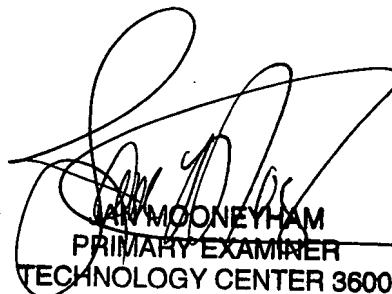
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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